Historic, archived document

Do not assume content reflects current scientific knowledge, policies, or practices.

[WFO 112]

PART 1510—YEAST

ACTIVE DRY YEAST

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of active dry yeast for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1510.1 *Restrictions relative to active dry yeast*—(a) *Definitions.* (1) "Active dry yeast" means dried, live, leavening yeast, usually grown on a molasses wort; *Provided*, That dried yeasts containing cereals or grains for use primarily as carriers are excluded from this definition.

(2) "Person" means any individual, partnership, association, corporation, business trust, or any organized group of persons, whether incorporated or not.

(3) "Manufacturer" means any person who produces active dry yeast for delivery to others, or for his use in manufacturing other products.

(4) "Government agency" means (i) the War Food Administration (including but not being limited to, any corporate agency thereof); (ii) the Army, Navy, Marine Corps, or Coast Guard of the United States (excluding, for the purposes of this order, United States Army post exchanges, sales commissaries, United States Navy ships' service departments, United States Marine Corps post exchanges, and similar organizations); and (iii) any other agency or instrumentality of the United States designated by the Director.

(5) "Deliver" means the transfer of the title to active dry yeast from the manufacturer thereof to government agency, or to some other person; and such delivery may be evidenced by execution of bill of lading, receipt, or other document acceptable to the Director.

(6) "Director" means the Director of Distribution, War Food Administration.

(7) "Order Administrator" means the person designated by the Director, pursuant to the provision hereof, to serve as the administrator of this order.

(8) "Alternate Order Administrator" means the person designated by the Director, pursuant to the provisions hereof, to serve as the alternate administrator of this order.

(b) *Restrictions.* (1) Without regard to the rights of creditors, existing contracts, or payments made, every manufacturer who owns and has in his possession active dry yeast on the effective date of this order, and every manufacturer who produces active dry yeast on or after the effective date of this order, shall promptly set aside 100 percent of said active dry yeast and thereafter hold such active dry yeast for sale and delivery to government agency. However, any manufacturer who produced active dry yeast during August 1944 may, during the remainder of the calendar year 1944 after the effective date of this order, use active dry yeast in the manufacture of other products, or deliver active dry yeast to persons other than government agency, either or both, in a total quantity not in excess of 10 percent of the quantity of active dry yeast which he produced during the calendar month of August 1944, or 10,000 pounds of active dry yeast, whichever is the lesser.

(2) No manufacturer shall use, in the manufacture of any product, active dry yeast which contains more than 8 percent of moisture by weight. No manufacturer shall deliver active dry yeast to government agency, or to others, which contains more than 8 percent of moisture by weight.

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writings, premises or stocks of active dry yeast of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* (1) Within 15 days after the effective date of this order, each manufacturer shall report to the Director, on Form FDO 112–1, the following information, separately: (i) The total quantity (in pounds) of active dry yeast which he produced during the calendar month of August 1944; and (ii) the total quantity (in pounds) of active dry yeast which he owned and had in his possession at the effective time of this order.

(2) Each manufacturer shall submit reports, on Form FDO 112–2, for the month during which this order becomes effective, and for each month thereafter, showing: (i) The total quantity (in pounds) of active dry yeast which he produced during such month; (ii) the total quantity (in pounds) of active dry yeast which he delivered to government agency during that month; and (iii) the total quantity (in pounds) of active dry yeast which he owned and had in his possession at the end of that month. The report for each month shall be sent to the Director of Distribution, War Food Administration, Washington 25, D. C., Ref: War Food Order No. 112, in time to reach him on or before the tenth day of the month following the month for which such report is made and it shall contain the information required by the Director.

(3) The Director shall be entitled to obtain such additional information from, and require such additional reports, and the keeping of such records by, any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or the administration of the provisions of this order.

(4) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his production of and transactions in active dry yeast.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, War Food Order No. 112, Special Commodities Branch, Office of Distribution, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall obtain, by requesting the Order Administrator therefor, a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (e) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final.

(f) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using the material subject to priority or allocation control pursuant to this order. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order; and one such employee shall be designated by the Director to serve as Order Administrator, and one such employee shall be desig-

nated by the Director to serve as Alternate Order Administrator.

(h) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Order Administrator, WFO 112, Special Commodities Branch, Office of Distribution, War Food Administration, Washington 25, D. C.

(i) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., September 16, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 7th day of September 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

War Food Administration,
Summary to WFO–112.

The War Food Administration announces that effective September 16, 1944 each manufacturer who owns and has in his possesion active dry yeast, and each manufacturer who on or after such date produces active dry yeast, will be required to set aside 100 percent of this product for sale and delivery to the government. This action, however, will not affect other types of yeast or yeast products.

Current production of active dry yeast in this country is inadequate to meet civilian requirements, the increased demand of the armed forces, and also increased military needs of the United Kingdom and the USSR.

The action was taken in War Food Order No. 112. Provisions are made to allow manufacturers to sell to persons other than government agencies, limited quantities of yeast, the total quantity allowed each manufacturer for this purpose not to exceed 10 percent of the August 1944 production, or 10,000 pounds, whichever is the lesser.

Under terms of the order, each manufacturer of active dry yeast will be required to submit monthly reports to the Director of Distribution, WFA, indicating production, deliveries and inventories.

LIBRARY
CURRENT SERIAL RECORD
SEP 14 1944

GPO—WFA 132—p. 2

WAR FOOD ADMINISTRATION
OFFICE OF DISTRIBUTION
WASHINGTON 25, D. C.

OFFICIAL BUSINESS

Penalty for Private Use to Avoid Payment of Postage, $300